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AN IMPARTIAL State of the Caſe OF THE EARL of DANBY, IN A LETTER TO A MEMBER OF THE Houſe of Commons.

LONDON,
Printed in the Year, 1679.

AN IMPARTIAL

State of the Caſe

OF THE

Earl of Danby, &c.

SIR,

HAD You been a Member of the laſt PARLIAMENT, You could not have been ſo great a Stranger to the Earl of *Danby* as I perceive You are, his *Lordſhip* having long been a Member of that Houſe, and in very great eſteem there. But ſince You are pleaſed to ſay that You know him not, and are in great doubts what to believe of Him, finding ſo many Stories contradicting one another, and ſuch an extraordinaay Violence in ſome men, as makes You ſuſpect whether Malice may not have too great a ſhare in his Proſecution; and that You have ſo good an opinion of Me, as to believe what I ſhall ſay; I do aſſure You I ſhall be as faithfull to You, in relating nothing but what You may depend upon for certain Truth.

The ſaid Earl, after a faithfull diſcharge of his Truſt as *Treaſurer* of the *Navy*, both to the ſatisfaction of His Majeſty, and to the great content of the Sea-men, about *Midſummer* 1673. had the Honour conferred upon him of *Lord High Treaſurer* of *England*, which he managed with ſo great Prudence and Succeſs, that contrary to all Mens expectations, but eſpecially of his Enemies, (who aſſured themſelves of his immediate Ruine by that Preferment) He ſupported for near ſix Years that Condition of his Maſter, which it was not then thought could have been made to ſubſiſt ſo many Months, and without any Supplies or Burthens laid upon the People in all that time: Whereas it is well known, that no Year paſſed before his Adminiſtration in the Treaſury that did not coſt the People Five, Ten, or Twelve Hundred Thouſand Pounds, and ſometimes double thoſe Sums.

It was not without great Reaſon that this Lord's Ill-willers did then aſſure themſelves of his Downfall; becauſe of the improbability of his performing thoſe great Works, which were at that time upon his Hand, with ſo ſmall a Stock as was then left him to work withall; and the confidence they might reaſonably give themſelves, that he could have no Relief by Credit, which had newly received the moſt Fatal Blow that was ever given to it in any Kingdom.

Soon after that time a Peace was concluded with the *Dutch*, after a long and chargeable War, and the greateſt Fleet that ever yet this Kingdom had was then to be paid off; as alſo an Army which had been raiſed for the ſaid War: which together amounted to about Eight hundred thouſand Pounds to diſcharge both, as will appear by thoſe Accompts; and there remained for that uſe not much above Four hundred thouſand Pounds, of the laſt Twelve hundred thouſand which had been given to His Majeſty by Act of Parliament about a Year before this Lord's entrance to the Treaſury; and that Remainder was upon the Fourth, Fifth and Sixth Quarters of that Tax, which were then to come, and conſequently of no uſe for preſent Payments of the ſaid Fleet and Army, but only as Money could be borrowed after ſuch a breach of Credit as aforeſaid.

Notwithſtanding all which Difficulties, and the Endeavours of ſome Envious Men to make that ill time of Credit yet worſe to this *Lord*, He did not only pay off that whole Fleet and Army, but diſcharg'd the Sea-men of that Fleet with ready Money, which had never been done before but with Tickets, or part Tickets and part Money. And whereas it had been uſual to have Ships lie undiſcharged two, three, or four Months after the times they ſhould have been paid off; it cannot be ſaid, until within a Month or ſix Weeks before this *Lord*'s quitting his Place, that any Ship did lie unpaid a Week after the Books belonging to the ſaid Ship were ready; and then there were not above one Ship or two, which hapned ſo by an Accident, the Mony having been aſſigned by his Lordſhip to that uſe in due time.

This Lord (until Money was againſt his will diverted out of the King's Revenue to the payment of an Army raiſed by the Parliament) did not only provide for the neceſſary and Publick Expences of the Kingdom in his own time; but did diſcharge the Yards, which were in Arrear at the time of his receiving the Staff, to the Sum of Ninety five thouſand pounds and upwards. He did the ſame to *Tangier*, to the ſum of Forty three thouſand pounds and upwards; and in old Tickets, and to ſick and wounded Men, to the ſum of Ninety three thouſand pounds and upwards, all incurr'd before his Lordſhip's time. Many great Arrears of the Houſhold were alſo diſcharged by this Lord, to the ſum of Seventy nine thouſand pounds, or thereabouts. And although there was a ſuſpenſion for part of the Houſhold for one Year in his time; yet notwithſtanding the great Neceſſity of the Crown, that alſo was ſatisfied by his *Lordſhip* long before his leaving his Employment.

But

But that which is worthy of as great Honour to his Lordſhip, as it ought to be of Infamy to the Authors of that unjuſt Action, is, that by this Lords Care a Satisfaction was given to many ſtarving Orphans and Creditors, who had been put in that condition by the ſtop of the Exchequer, to the Sum of twelve hundred thouſand pounds, or thereabouts; and this he did at a time when the Crown was not only in want, but when the Parliament had never contributed one Farthing towards it; whereas thoſe People had been deprived and robbed of their Eſtates and Livelihoods, lent to his Majeſty, in times when the Exchequer had been as much fill'd with ſuperfluity of Aids from Parliament, as it was deprived of neceſſary Supplies in this Lord's time.

Beſides theſe Expences at Home, there happened in this Lords time almoſt a conſtant War with *Algiers* (from whence alſo this Lord did once make a total Redemption of our *Engliſh* Slaves) and a Rebellion in *Virginia*, which was both very chargeable in the Expence of it, and hath been a great abatement in that conſiderable part of the Cuſtomes which is brought in by Tobacco from thoſe parts: inſomuch, that whatever is ſaid of this Lords not having employed the Treaſure to Publick uſes, muſt certainly proceed either from great Malice, or want of due Information: as truly I believe it doth with moſt men.

I offer not here to ſay any thing in vindication of this Lord, which needs private Teſtimony to make it good; becauſe all I hope for from the preſent Age (if that can be had) is, that they will admit what their own eyes may be witneſs to if they pleaſe, and therefore, as I have told you what this Lord hath done upon Record in his Employment, as Lord Treaſurer, without any aſſiſtance of Parliament: ſo I ſhall re-mind you what upon Record He hath wanted to ſerve the Crown withall, which his Predeceſſors did receive yearly into his Majeſties Treaſury; *viz.* By a great abatement by the Corn Act, which did not for ſome years take leſs than threeſcore thouſand pounds a years from the Cuſtomes: By the Act for Prohibiting the *French* Commodities, which hath not loſt leſs than one hundred and fifty thouſand pounds a year from the ſaid Revenue, beſides the inconvenient manner of Re-payment of the two hundred thouſand pounds borrowed on the Exciſe, by one fifth thereof being depoſited in the Exchequer, which might have been re payed with much leſs charge and prejudice to his Majeſties Affairs; and beſides the abatement of ſixteen thouſand pounds of their Tax to the City of *London*, and the forgiveneſs of their Hearth money, *&c.* to the Town of *Northampton* for ſeveral years, and many other things of that kind: amongſt which, I doubt not but his kindneſſe to the City of *London* upon divers other occaſions, beſides the abatement of the Tax aforeſaid, muſt be acknowledged; as in the Diſputes about the Water-Bailiff, *Hungerford* Market, *&c.*

As this Lords Care was very great to ſee Money applyed to the moſt Publick Uſes, as will appear by the Weekly Certificates in the Exchequer: to which I do appeal) and from which Publick Uſes he never diverted one penny that was ſo appropriated (notwithſtanding the many falſe ſuggeſtions to the contrary) ſo he was no leſs induſtrious in the improvement of His Majeſties Revenue, the great Branches whereof he found in this ſtate: *viz.* The Exciſe newly Farmed for five hundred and thirty thouſand pounds a year, for three years then to come, which He ordered ſo to His Majeſties Advantage, that he found means to reſume the ſaid Farm, and to let it immediately

to the ſame perſons, and for the ſame time, for Five Hundred and Fifty Thouſand Pounds *per Annum*, and at the Expiration of that time, his Lordſhip ſo managed it between a Farm and a Commiſſion, as did produce above Six Hundred Thouſand pounds a Year, untill a Reducement was made in that Revenue, of betwixt Forty and Fifty Thouſand pounds a Year, by the prohibition of *Brandy*, &c. The *Hearth-Money*, his Lordſhip found valued at One Hundred Forty Five Thouſand pounds a Year; which was Improved by his Lordſhip to One Hundred Sixty Two Thouſand pounds *per Annum*. And the Cuſtomes would not have turned to any worſe Account in proportion, had it not been for the Hinderances I have mentioned, of the *Corn-Act*, *Prohibition-Act*, the Rebellion in *Virginia*, &c. And in *Ireland*, his Lordſhip alſo raiſed the Revenue there from One Hundred and Ninety Thouſand pounds to Two Hundred and Forty Thouſand pounds *per Annum*; inſomuch that in the Branches of the *Exciſe* and *Hearth-money* alone, and in the *Iriſh* Revenue, his Lordſhop increaſed One Hundred Thirty ſeven Thouſand pounds to His Majeſtie's Income.

It is likewiſe obſervable, That notwithſtanding the great Shocks newly given to Credit, this Lord did very rarely pay more then Eight *per Cent.* for Money Borrowed, and it will appear that he found very little that did not coſt His Majeſty Ten *per Cent.* at his Entrance.

His Lordſhip, not having wherewithal to ſatisfie all things, did chuſe to let it fall ſhort in Penſions, and leſſer Payments to private perſons, rather than that the Publick ſhould want, ſo far as he was able to ſupply it; and yet I dare take take upon me by Proof in the Exchequer, to aver, that even thoſe Payments were much better made than they had been at any time before within the ſame ſpace that this Lord was Treaſurer, as may appear likewiſe by the Certificates of the Exchequer.

Next to the not having the Management of this Lord truly repreſented to the World, I find his *S*ervices have been chiefly Blaſted with a falſe Suggeſtion of his Squandring the King's Treaſure to private and unneceſſary Uſes, under the Name of *Secret Service*; and therefore, for the more ready and certain way of diſabuſing the World in that particular, and doing His Majeſty as well as this Lord Right therein, I ſhall deſire any man to take a Computation of His Majeſtie's Yearly Revenue (which, within a very little, is known to moſt men) and when he has Summ'd up what hath been publickly Accompted for each Year (which, by the Certificates of the Pells, will be found to be Eight Millions Two Hundred Seventy Six Thouſand Seven Hundred Sixty Seven Pounds from *Eaſter* 1673, to *March* 1679. beſides the Intereſt to the Gold-ſmiths, and divers other Particulars which are not included in that Accompt; let him Compute what there could be remaining poſſible, to be laid out to other Uſes, and he will find, that if all that was the poſſible Remainder had been laid out extravagantly, it would be a very inconſiderable *S*um, in compariſon of what the World is made to believe.

In the next place, it is well known to all who are Vers'd in the ways of the Exchequer, that many Sums are included in the *Privy-Seals* of *Secret Service*, which are either for expedition of *Publick Services* upon Sudden Occaſions, or to ſave paying of greater Fees, where His Majeſty is pleas'd to let it be ſo: as in the Caſe of the *Lord Treaſurer*, and *Chancellor* of the *Exchequer*'s Salaries, *&c.* (which were ſo paid, till lately Altered by

by this Lord) and I am confident, that there is no Year, wherein one Third at leaſt, if not half of the Payments under the *Privy-Seals* of *Secret Service*, might not be expoſed to a publick Accompt, as well as any other Payments.

And whereas it is Objected, That the Sums now paid for *Secret Service*, are much greater than formerly, nothing can be more untrue; but the Miſtake lies in this, that formerly great Sums were commonly paid to a particular perſon by a *Privy-Seal* for ſome publick uſe, and Money was Commanded from that hand to private uſes by particular Orders and Commands, which were never ſeen in *Privy Seales* for *Secret Service*, but were diſcharged by *Privy Seals* afterwards, upon paſſing their Accounts: For it is well known that in five or ſix of the firſt Years after the King's Reſtauration, there was more Money given to particular perſons in every year of that time, than has been paid to private Uſes in the whole time of the Lord's being Treaſurer; and yet I am confident that ſcarce one Shilling of thoſe Great Sums appears under any *Privy-Seals* of *Secret Service*; ſo that in truth, this which is imputed as a Crime, was one of the moſt uſefull Services this Lord could do, to let the King ſee by a particular Account what thoſe Expences came to, which were formerly ſo huddled up, that His Majeſty could not be ſenſible of the greatneſs of thoſe Diſburſements,

Laſtly, I dare as confidently affirm, that payments to *Secret Service* (that is to ſay, ſuch payments, whereof His Majeſty will not permit any Accompt to be made but to Himſelf) have never amounted to one hundred thouſand pounds, nay, I durſt ſay, not eighty thouſand pounds a year, one year with another, ſince this Lord ſerved his Majeſty in that Employment; and I ſuppoſe that none of His Subjects do grudge Him that Sum to His private uſe; but upon this Occaſion, I cannot forbear to obſerve the Unhappineſs of this Lord, who ſuffers in the Opinion of many for having waſted the King's Treaſure, to gratifie ſome particular Great Ones; and I am not without good Aſſurance that his Refuſal to ſerve ſuch Ends, and his being firm to the Intereſt of his Maſter, and the Kingdom, in that Particular, is no ſmall Cauſe of his preſent Sufferings.

To conclude this point, about this Lord's Behaviour in his Office of Treaſurer, I muſt needs ſay, I know not whether this Lord, or We the People of *England*, are the more Unhappy, who can ſo eaſily be drawn by falſe Reports to have the worſt opinion of our beſt Miniſters; when the ſingle comparing of this Lord's Adminiſtration in his Employment of Lord Treaſurer with former times of great Plenty, might convince any man there never was a better Officer in that Station, and to thoſe who will not take that pains, I will appeal to another ſort of Evidence from Coffee-houſes themſelves, whether the good Husbandry of this Lord for his Maſter, hath not been heretofore (and not long ſince) as much complained of, as his waſting the King's Treaſure is now pretended to be a Charge againſt him, nay, even to the making that a Crime of State, and laying it to his Charge at that time as a Deſign, by good Husbandry to keep off the Uſe of Parliaments.

What I have ſaid concerning this Lords Adminiſtration in his Office as Lord High Treaſurer, I have ſpoke upon certain Knowledge, and what I ſhall now ſay in relation to his Tranſactions in the Affairs of State, are partly ſo, and the reſt upon ſuch Aſſurances, that I am no leſs confident

of

of the truth of them. And in the first place, I know that many besides my self have often heard his Lordship complain of it as an infinite Misfortune to him, that His Majesty did take him so much from the business of the Treasury ; whereby he was neither able to make those Improvements which otherwise he could have done in His Majesties Revenue ; nor could he give those Dispatches which were necessary for his Service ; insomuch that I know it was with all the regret imaginable to himself, that He was imployed in any other Business but that of his Office as Treasurer.

In the next place, I know how unwillingly he entred into any of the Foreign Transactions, having always shewed himself averse to those Councels wherein He found His Majesty engaged at his entrance : *viz.* The Tripple League broken, which I have often heard this Lord say (and am confident he ever affirmed in all places) was a Bulwark both to this Nation and all Christendome, and that the Breach of it would be fatal to us.

A War with the *Dutch,* made upon the foundations of a stop of the Exchequer at Home, and an endeavour to have seized the *Dutch Smirna* Fleet, before a War declared.

A League with *France*, by which they were to have the opportunity of sending a Fleet to learn Conduct at Sea from us, (of which they were in a great measure then ignorant) and to know both our Channel and our Ports.

An Army of English then in *France*, (to the infinite prejudice of the Confederates upon several occasions) against all which, this Lords greatest Enemies cannot say but he always declared himself : and no man that was least concerned with the Court could more publickly inveigh than this Lord did at that time, and ever since, against the perfidious behaviour of the *French* Fleet in that Battel where Prince *Rupert* Commanded, for which I have often heard him complain of their Treachery, and say, that we deserved it for trusting them.

As these were the Circumstances wherein all the World knows this Lord found things at his Entrance ; so I desire that Men would onely remember Times, and consider in such deep Engagements of Princes to one another, as were then between the Kings of *England* and *France*, whether it were possible in a very short time to get things reduced to such a posture as might have been wished : Upon this occasion much more might be said if it were convenient ; but I shall make onely one Remark upon it, and desire it may be thought on seriously ; whether it be not the most unsafe, as well as most unjust Practice, for a Nation to discourage such Ministers as endeavour to draw their Master to His Kingdoms Interest, although they do not immediately Succeed in it : for unless they could command their Masters Will, instead of Obeying it, these Consequences must necessarily follow, that either his Ministers must quit his Service, or keep it only by following the Pleasures and Inclinations of their Master intirely, or have their dependance upon some other Power than their Masters to protect them : for the danger of their Ruine from the Impatience of the People, will not afford time

to

to get those ill habits in Government changed, which have been long contracting, and cannot be altered but either by Counsel or Force.

I desire therefore now, that the Proceedings of this Lord may be impartially considered, and see whether they have not all tended to the diminishing of the *French* Interest amongst us since his time: and if it have diminished, it will be hard to find who else there was besides himself near His Majesty, who had Power, and Inclination to do it, since it is not reasonably to be lookt for from any who had been Advisers against the triple League, &c. nor from any who were engaged in the *French* Service themselves.

In the first place therefore, to shew that the *French* Interest was much diminished since this Lord's having the Staff, is manifest: For that League with *France* was broken, and Peace made with the *Dutch*, the Duke of *Monmouth* was called from *France*, and our Army drawn out of their Service: and it is well known how much He laboured, by refusing Passes, and all other means in his Power, to have hindred any of those Recruits which by stealth were sometimes conveyed to them.

But above all, it is notoriously known, that he was the Chief Instrument of procuring the Marriage of the Lady *Mary* to the Prince of *Orange*, by which he hoped a Future Security for the Protestant Religion would be provided; and his present Hope was, that the *French* Interest in this Court would thereby be rooted out. Which in all probability had been effected, if the Parliament had been so happy as to have given the six hundred thousand pounds demanded by the King at that time for Preparations; when in stead thereof, they onely gave Credit to borrow two hundred thousand pound upon the *Excise*; by which, I have heard, the King was so discouraged, as did extreamly hinder what this Lord hoped, and endeavoured to obtain in behalf of the Confederates: and were the Transactions of that time between the Prince of *Orange* and this Lord known to the World, they would as highly esteem him for his Worthy Endeavours, both in relation to his own Countrey, and to the Confederates Interests, as he is now unjustly calumniated for the contrary. But to omit private Negotiations, (which it is this Lord's great Misfortune are not seen) every body knows that the Match of the Prince of *Orange* did produce so great an Alteration in the Minds of the Duke of *York*, and Duke of *Monmouth*, that from being the greatest Assertors of the *French* Interest, they became as forward as any for the War against *France:* and then the King's good Intentions were protracted by the extream dilatory Conduct of the *Spaniards* about *Ostend*, &c. and the want of Money sufficient to carry on so great a Work; till the *French* King had got opportunity of making himself so sure of Peace with *Holland*, that nothing His Majesty could do, was able to hinder it: for although He both sent a considerable Army to the Prince of *Orange*, and demanded of the States to make good the Offensive Treaty lately made with His Majesty, they absolutely refused to continue the War any longer.

During thoſe great Uncertainties betwixt Peace and War, occaſioned from the Cauſes I have already mentioned, Propoſals were made to His Majeſty, ſometimes by the *French* Ambaſſadours here, and ſometimes by Mr. *Montague* (His Majeſtie's Ambaſſadour in *France*) for a Peace, always with Offers of Money, in caſe His Majeſty would conſent to worſe Conditions than the Confederates would agree to; and the Offers ſo large, in caſe the King would agree to let the *French* poſſeſs ſome Towns which the Confederates inſiſted upon to have reſtored, that if His Majeſty would have accepted any ſuch Conditions, He might have had great Sums at this time in his Purſe, and the Confederates might have had many of thoſe Towns in their poſſeſſion at this day, which are now given up to the *French*; and it is to be ſeen in a Letter of Mr. *Montague* to the King himſelf, that the Earl of *Danby* might have had more than ever he got by being Lord Treaſurer, if he would have prevailed with the King to agree to the Propoſitions of the *French* King.

But, as the ſaid Mr. *Montague* hath by Letters confeſſed the Honour of this Lord, who would be no Inſtrument in that Work, and hath in the Houſe declared, that when it came to the Buſineſs of *France*, he ſhould do that Lord as much Right as any man; ſo juſt alſo was His Majeſty therein to the Confederates, that He would never yield to any Propoſition which was not with their Approbation, although the continuation of His Ambaſſadours at *Nimiguen* was a very great Expence to Him: and if His Majeſty, or His Miniſters had intended the ſetting up an Arbitrary Power at home, they would certainly neither have diſobliged the *French* King as they have done, nor have refuſed his Money, both for themſelves and their Maſter, which was in their power, if they would have deſerted the Confederates Intereſt, which could be of no uſe to them in the Execution of any Arbitrary Deſigns at home.

From hence it appears wonderful that any of the Miniſters (and eſpecially ſuch as were taken to have the beſt Credit with His Majeſty) ſhould be charged with thoſe Deſigns of Arbitrary Power, becauſe nothing is more evident, than that it was their own fault if they had not wherewithall to have maintained Armies, and enrich themſelves, beſides the keeping of the *French* King's Friendſhip to have aſſiſted their ill Deſigns; inſomuch that if men will but conſider impartially, it will puzzle the moſt uncharitable Cenſurer to find another Cauſe than their unwillingneſs to enſlave their Country, why ſo many Temptations of that kind were rejected, and at a time when Armies were in readineſs, if they had deſigned any ſuch Uſe of them.

I know that to offer any Arguments which are not publickly known, in behalf of this Lord, would be to no purpoſe at this time, when Men have not patience to let themſelves be informed; but I hope this Lord's patient Suffering will at laſt obtain a patient and impartial Hearing, and then themſelves will be Judges what ſort of Friend the *French* have ever taken him for to this day, their *Gazets* having conſtantly declared their ill Wills to him, and the preſent *French* Ambaſſadour's uſual Diſcourſes of him at the Dutcheſs of *Mazarine*'s (where he is apt to ſpeak more freely) may

may convince any man; which a Lord of your Houſe can teſtifie (if he pleaſes.) Mr. *Montague*'s Letters alſo, which were ſhewed to the Houſe of Commons, do ſufficiently make appear, not onely their Diſlike of him, but that it was a Maxim amongſt them, That *He muſt be Ruin'd before they could hope to do any Good in* England. And by thoſe Letters you will ſee alſo what Agents, *viz.* young Monſieur *Ruvigny*, &c. have been employ'd hither for that purpoſe, and even about the very time, as well as ſince the writing of that Letter to Mr. *Montague*, for which he is ſo much blamed, although the Letter be written both by the King's immediate Command, and that the Matter of it (had it not been ſo) is ſo far from importing Treaſon, that in other Ages, it might bear not onely a Charitable, but a wiſe and uſeful Conſtruction both to the King and Kingdom, which was to have re-imburſed His Majeſty thoſe Sums He had laid out in that Chargeable Mediation, without bringing any Burthen to His People, or any Prejudice to the Confederates.

And ſince I have made mention of that Letter, I deſire you will obſerve, if you have a true Copy of it, (for many of the Printed ones are not ſo,)

Firſt, That the Propoſitions ſent were onely a Copy of what Mr. *Montague* was to receive from the Secretaries, ſo that the thing it ſelf was no Secret to them.

Secondly, That the Propoſitions were not originally the King's, but the Confederates; ſo that the King was to gain nothing by making the Market either higher or lower, and the *French* had often had Experience that His Majeſty would not do otherwiſe.

Thirdly, As a full Juſtification both of His Majeſtie's Honour in that point, and that He had no Deſign of getting the Money for the purpoſes ſuggeſted againſt the Earl of *Danby*, (for in that caſe He would not have conſidered the Gain or Loſs of the Confedetates) Mr. *Montague* is expreſly forbidden in the Letter, to mention the Money at all, in caſe the *French* King did not accept thoſe very Propoſitions of the Confederates, and in the Terms as His Majeſty received them from His Ambaſſadors at the *Hague*.

And fourthly, In the laſt Words of the Letter, the Earl tells Mr. *Montague*, that he believes that would be the laſt time any Propoſals of Peace would be made, and that he is confident they will not be accepted; wherefore he might accordingly take both the King's Meaſures, and his own.

As to that Expreſſion about the Parliament, (which I ſuppoſe hath been a principal cauſe of giving them Offence) I have heard this Lord ſay, That His Majeſty cauſed that Expreſſion to be uſed onely for a Motive to perſwade the King of *France* to give a greater Sum than Six Millions of *Livers*, which had then been offered; becauſe otherwiſe in the ill poſture things then ſtood betwixt the Two Kings, the *French* King might ſuſpect whether the King of *England* would agree to any Peace

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at all. And these being the whole Contents of that Letter, and it being writ by His Majestie's express Order, you will easily conclude this Lord would not be so hardly prosecuted for that onely, were there not other Causes for it; when in Truth, I believe there are very few Subjects, but would take it ill not to be obeyed by their Servants, and their Servants might as justly expect their Masters Protection for their Obedience.

But one great Objection I have heard to this Letter, hath been, that it was writ the twenty fifth of *March* One thousand Six hundred Seventy eight, which was five days after the Parliament had passed an Act to raise Money for an Actual War with *France*. Which is very true; but it is not considered,

First, That an Act to raise Money for a War, is no Declaration of the War.

Secondly, That till such Declaration, all Treaties are lawful, and even then too, if the King pleases, in whom the sole Power of making Peace and War is placed by Law.

And thirdly, That the King's Ambassadours were actually then at *Nimeguen* treating of Peace, and were indeed never recalled, nor forbidden to treat the Peace; and can it be thought a fault for a Minister to obey the King's Orders at Home, on the same Subject upon which other Ministers were acting at the same time Abroad?

Fourthly, No Money was then raised, and but few Men; Our Islands were unprovided, nor could they so suddenly have had due notice of the War, and the *French* had a great Fleet in the *West-Indies*: so that if the War had ensued, it had been Policy to have kept them in expectation of Peace, till we had been better prepared for so potent an Enemy. And although it was but five days after the Act for raising Money towards a War, (and the Nation then so totally unprepared for it;) yet you may observe this Lord in his Letter says, that He believes it would be the last time that any Peace would be proposed, if that was refused: and you may likewise observe, that if it had been accepted, it must have gone formally by the Secretaries of State, after the Answer of Mr. *Montague* had been returned to those Letters of the twenty fifth, which could not have been till *April* following, at soonest: so far was it from being thought a Crime for any other of His Majestie's Ministers to have Treated betwixt *France* and the Confederates, till either a Peace had been concluded betwixt them, or a War declared by Us; and had it been otherwise, His Majestie's Ambassadour at *Paris* must be in as much (if not more) fault to have obeyed the King's Orders at second hand, than this Lord was, to obey His Majestie's immediate Commands from his own mouth, and Signed by his Hand.

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In ſhort, it would be ill for Miniſters of State, and worſe for their Maſters, if the one may not command, and the others be obliged to obey, in ſuch undoubted Rights as are all the matters and circumſtances of Peace and War; and no Conſtruction in the World can be more ſtrained, than that the Six Millions of Livres a year for three years ſhould be intended for the introducing of an Arbitrary Power, when it is apparent that they might have had Six Millions for the firſt year, if they had pleaſed, which would have as well ſufficed to have done that work, as the having it for Twenty years more; ſince every man knows, that ſuch a work muſt either be done at the firſt attempt of it, or not at all: ſo as in truth if we lived in an Age to make but equal interpretation of mens actions, we ought rather by it to judg of the ſincerity of the Princes Heart towards his People, and the integrity of his Miniſters, who would not be tempted to bring things to that concluſion (though in their powers,) which others may more reaſonably be ſuppoſed to have deſigned, who began with thoſe breaches of the *Tripple Leagne*, &c. which I have already mentioned; and yet to admiration, moſt of thoſe who were the firſt, and principal cauſers of theſe enſuing Miſeries, are eſteemed Patriots of our Liberties, whilſt the whole blame is laid upon this Lord; whoſe endeavours have been inceſſant to have got us out of thoſe misfortunes He found us in; without any ſhadow of an Action to the contrary, but what is drawn by a forced, and uncharitable conſtruction of the foreſaid Letter, writ by the Kings Order, and concerning matters wholly in the Kings Breaſt by Law to act and determine as he pleaſes.

But to confirm us yet more, that this Lords Integrity was too ſtrong to be batter'd down by the foregoing pretences alone; it has been neceſſary for his Enemies to raiſe another ſtronger than any of the reſt in ſhew (becauſe the firſt (although called Treaſon) would not by our Laws bear the title either of *Treaſon* or *Felony*; but this alſo proves ſo weak in its foundations, that this Lords Adverſaries are forced to ſupport it with Libels of his being privy to Sir *Edmund Godfrey*'s Murther, and ſuch like improbabilities, whereby they help this Lord to undeceive the People, inſtead of promoting their own deſigns againſt Him; and juſt ſo in the ſame *Libels* (beſides the many groſs falſities in matters of Fact) the Authors Malice hath made him forget that what he deſign'd for a Charge againſt the ſaid Earl, was an accuſation againſt the Witneſſes, the Jury, and the Judges, who Tryed and Condemned *Green*, *Berry*, *Hill*, &c. for the ſaid Murther.

This ſecond attempt (whereby they hoped at leaſt to blaſt the Earls Reputation amongſt the Common People, if they could do nothing elſe) was, That He had concealed the Popiſh Plot, to the indangering his Majeſties Perſon, and had conſpired with the Papiſts to have given them the opportunity of putting their Helliſh Deſigns in execution.

What probability there is for ſuch ſuſpicion, might appear ſufficiently both by the contradiction it muſt have to his own Intereſt, and by the ill-will the Popiſh Party have always ſhewed againſt Him; and the little favour He has received either from them, or any that have related to them; but on the contrary, there are Examples of ſuch, who have appeared as bitter againſt Him, as any of his Enemies.

But that the truth of the Earls behaviour in this particular may be as well known, as in the other matters with which He is traduced, I will give you an Information of what I certainly know to be true in that buſineſs.

I am not able to ſet down the exact days, nor is it neceſſary, but about the middle of *Auguſt*, 1678. and the very morning that the King went to

Windſor that year with the whole Court, his Majeſty left a Packet with a Perſon of Quality, which was ſealed up, and commanded him to carry it to the Earl of *Danby*, and to tell him, that one Mr. *Kirkby* would bring a Gentleman to ſpeak with him about it.

The Earl opening the ſaid Packet, and finding therein two or three ſheets of Paper, containing ſeveral Heads of informations of danger againſt his Majeſty, gave Order immediately to the Porter at his Gate, *That if one* Kirkby *did come to ſpeak with the Earl, he ſhould immediately be brought to him.*

Accordingly the ſaid *Kirkby* did come thither that day, or the day following, and did bring with him one Doctor *Tongue*, who told the Earl, That he had delivered ſome Papers to the King of great concernment; That the King had looked ſuperficially over them, and ſaid He was going out of Town, but would ſend the Papers to the Earl of *Danby*, and would have him to wait upon the Earl about them.

The Earl ſhew'd the Papers to the Doctor, and asked if thoſe were they? Which he ſaid they were.

Queſt. Whether they were Originals?

Anſw. No, They were Copies of his the Doctors writing.

Queſt. Who was the Author? and where were the Originals?

Anſw. He did not know the Author, for that the Originals (which he ſaid were in his cuſtody) had been thruſt under the door of his Chamber, but he did not know by whom, only he did fancy it muſt be one that had ſome time before held diſcourſe with him tending to ſuch like matters.

Queſt. If he knew where to find that man?

Anſw. No, but he had ſeen him lately two or three times in the Streets, and it was likely not to be long before he ſhould meet him again.

About three or four days after the Doctor came to the Earl again, and told him, *He had met the Man; that it did prove to be as he had gueſt; that he owned himſelf to be the Author, and had given him another Paper of the like kind as before, numbred into Heads as the firſt was, but deſired not to have his Name known to any body but the Doctor, becauſe the Papiſts would murther him, if they knew what he was doing.*

Queſt. Whether the Doctor knew thoſe Men, who were called Honeſt *William*, and *Pickering*, who were named in thoſe Papers as men deſigned to Aſſaſſinate the King?

Anſw. That they uſed to walk frequently in St. *James*'s Park; and if any body were appointed to keep him the Doctor company, it was two to one but he ſhould have an opportunity of letting that perſon ſee one or both of them in a little time.

Queſt. If he knew where they lived? for that it would be neceſſary to ſecure thoſe Men forthwith.

Anſw. He knew not at that time, but would inform himſelf, and let his Lordſhip know very ſpeedily.

Hereupon his Lordſhip went immediately to *Windſor*, and acquainted the King, *That Doctor* Tongue *had been with him according to his Majeſties Directions*; and inform'd His Majeſty of all that had paſt, (ſhewing alſo the additional Paper to thoſe which had been ſent his Lordſhip by His Majeſty) and that he had left a Servant at *London*, purpoſely to get a ſight of Honeſt *William*, and *Pickering*, in order to the apprehending of them, if His Majeſty thought fit.

At this time his Lordſhip deſired the King, *That one of the Secretaries might ſend a Warrant for the apprehending them, and that the matter being of ſuch danger*

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to his Majeſties Perſon, ſome more of the Council might be acquainted with it: But His Majeſty would neither let the Men be apprehended till He were more informed of the Deſign, nor would He ſuffer the Earl to ſpeak one word to any body of it; but on the contrary, commanded the Earl ſhould not ſpeak of it ſo much as to the Duke of *York*: only ſaid, *He would be very careful of Himſelf till He heard more.*

The Earl went from *Windſor* to his Houſe at *Wimbleton*, directing, *That if the Doctor had any thing more to ſay unto him of that matter, he ſhould come to him thither, or ſend away that Gentleman the Earl had left to ſtay with him to ſee the Men, and learn their Lodgings, and to be diligent in bringing any Intelligence with required haſte.*

Accordingly that Gentleman did go from *London* to *Wimbleton* every day, and back to the Doctor at Night, and did ſometimes bring additional Papers to the former, and brought Information of the dwellings of Honeſt *William*, and *Pickering*, and brought word alſo from the Doctor, that he ſaid he ſhould be able to give his Lordſhip certain notice before-hand, when any of them were to go to *Windſor*; of all which the Earl never failed to give His Majeſty an account from time to time,

Among other Informations, the Doctor went one Night to *Wimbleton* himſelf, and told his Lordſhip that ſome of the intended Aſſaſſinates were to go the next morning to *Windſor*, but that he could order it ſo, that the Earls Gentleman ſhould go in the ſame Coach with them, or if the Coach ſhould be full, he might go on Horſeback in their Company, and watch them ſo as to give notice of their Arrival, and take them more conveniently that way upon the place, where they would not be able to give any account what they had to do there.

Hereupon the Earl ordered this Gentleman to obſerve the Doctors directions, and went immediately himſelf to *Windſor*, where he acquainted His Majeſty with all this, and order was taken for ſeizing theſe men at their Arrival at *Windſor*, but inſtead of that the Gentleman brought word from the Doctor, that ſomething had prevented their going that day, but that they intended their Journey the day following, or within two days at fartheſt, but then alſo news was brought that they were again prevented, by one of their Horſes being ſlipt in the ſhoulder, or ſome ſuch accident.

Whereupon his Majeſty, (who before would not give credit to it) did then take it for ſo meer a Fiction, that notwithſtanding all the Earl could ſay, to get the buſineſs communicated to others beſides Himſelf, the King was more poſitive not to permit it, ſaying, He ſhould alarm all *England*, and put thoughts of killing Him into Peoples heads, who had no ſuch thoughts before.

The Earl having done all that lay in his Power, and having buſineſs into *Oxfordſhire*, askt leave of His Majeſty to go thither (being but twenty two miles from *Windſor*, whither he could return in half a day) and left order at *Wimbleton* to have any thing diſpatch'd to him, that ſhould come from Doctor *Tongue*: accordingly in three days after came a Letter from the Doctor to the Earl, giving Notice of a Pacquet of Letters from *Jeſuits* concerned in the Plot, which were to go to the Poſt-Houſe in *Windſor*, directed to one *Bedingfield* a Prieſt. Whereupon the Earl returned immediately to *Windſor*, and informed His Majeſty, ſhewing the Doctors Letter, and His Majeſty replied, that there was ſuch a Pacquet had been delivered ſome few hours before by the ſaid *Bedingfield* to the Duke of *York*, and that *Bedingfield* had told the Duke he feared ſome ill was intended him by the ſaid Pacquet

quet, becauſe the Letters therein ſeemed to be of a dangerous Nature, and that he was ſure they were not the Hand-writing of the Perſons whoſe Names were ſubſcribed to the Letters.

This ſtill begot leſs belief in His Majeſty that there was any real Plot; inſomuch that I have heard the Earl ſay, He doubted whether ever he had been permitted to produce theſe Papers, and intelligence he had received from Doctor *Tongue*, if His Royal Highneſs had not been earneſt to have the truth of thoſe Letters examined, which had been brought to him by Mr. *Bedingfield*; by which means he got leave at the ſame time to produce the ſaid Papers and Letters to the Council, and from thence they have all been tranſmitted to both Houſes of Parliament, in one of which they remain at this day.

When they were firſt produced to the Council, and Doctor *Tongue* brought thither to atteſt them, the Doctor then ſaid, He was ſorry they had been diſcloſed ſo ſoon, and that it would have been much better, and more would have been diſcovered, if the Buſineſs had been kept concealed ſome time longer.

This was owned by the Doctor himſelf, and atteſted in the Houſe of Commons by Sir *Thomas Doleman*, one of the Clerks of the Council then in waiting; and the Doctor had often ſaid to the Earl himſelf, that it would much prejudice the full diſcovery of it, if it were made Publick too ſoon.

This is the Sum of what paſt between the Earl and Doctor *Tongue*, from whom only his Lordſhip had any intelligence of the Plot, and the Doctor hath given an Account accordingly to the Houſe of Commons, only with the addition that he always found all the readineſs and aſſiſtance from the Earl he could deſire; and as to Mr. *Oates* till he was brought into the Council Chamber to Atteſt the truth of the Doctors Papers, *&c.* I am confident the Earl never ſaw his Face (although like other falſhoods, it hath been Printed that the Earl uſed to meet him at *Fox-Hall*, and that he invented the Plot with Mr. *Oates* long before his Majeſty ſent the foreſaid Papers to the Earl,) but as the Doctor, (with whom only the Earl had any correſpondence in that matter, ſaving Mr. *Kirkby*, who brought the Doctor to him,) hath fully juſtified the Earls proceedings, both in the Houſe of Commons, and other places, ſo (beſides the Oath made by Mr. *Oates* in the Houſe of Lords and Council, that he knew nothing againſt any Peer, but whom he had then mentioned,) I have not heard that Mr. *Oates* hath ſaid any thing againſt the ſaid Earl. Mr. *Bedloe* indeed hath ſaid that this Lord (though at that time under the accuſation of concealing the Plot) would have tempted him by Money, to have been gone beyond Sea, and not to ſay any thing againſt the *Queen*, nor the *Popiſh* Lords in the *Tower*: but when the Circumſtances of that Story come to be told, (which are not yet convenient) I ſuppoſe Mr. *Bedloe* will think as fit to retract that Information againſt his Lordſhip, as he hath already done another he told to the late Biſhop of *Landaffe*, (now of *Peterborough*,) concerning the ſame Lord, *viz.* That this Earl was one of thoſe at the Conſult with the Queen, in her Chappel at *Somerſet-houſe*; but the Earl complaining of this in Council, Mr. *Bedloe* did not only deny that ever he ſaid ſo, but told the King himſelf and ſeveral others (beſides his Oath in the Lords Houſe, relating to all the Lords,) that he knew nothing againſt that Lord, and has told the Earl himſelf, in the hearing of good Witneſſes, That he was able to ſay ſeveral things in his Lordſhips defence, and that there were ſome Perſons, (and among them one great Man) who would have endeavoured to ſuborn him to ſwear again the Earl; but Mr. *Bedloe* ſaid, He was not a man to be gained to do any ſuch baſe Act, and as a demonſtration

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of his Honeſty, and Juſtice to the Earl, he brought him the Copy of an Information, reflecting on the Earl, and ſigned *Ed. Panton*: and promiſed to inform the Earl of the name of that great Man, and the others, who would have ſuborned him before the meeting of the Parliament, which was to be in *March* following, and he told this to the Earl in *February* before.

Mr. *Dugdale* (who is one of the moſt material Witneſſes of the Plot,) was before his coming to *London*, examined in the Country by ſome of the Juſtices there, and his Examination returned to the Houſe of Lords, wherein he mentions the fear the Jeſuits had of the Lord Treaſurer, and particularly how they were afraid, leſt the Letters formerly mentioned, which were directed to Mr. *Bedingfield*, ſhould fall into his Hands, knowing how great an Enemy he was to them, and he has ſpoke to the ſame effect ſince that time, before divers Lords of His Majeſties Council, ſo that what grounds they have for accuſing this Lord, either for the concealing or abbetting this Plot, I muſt leave to you, and every Impartial Man to judge from the matter of Fact.

But upon what grounds this Lord hath been reputed a Papiſt, I cannot but wonder yet more; for in the firſt place he is known to have been always Educated in the *Proteſtant Religion*, and hath given conſtant Teſtimonies thereof, in all times, and without any alteration.

He hath not only been a conſtant, but a zealous Aſſertor of the Church of *England*, and I pray God (that although it be not owned) this may not be one of his greateſt Crimes.

He hath not only appeared for it in Parliament, and elſe where againſt all Oppoſers: but would never agree to any Counſels that might endanger it: as the Declaration in Parliament for a general Indulgence, *&c.* The conſequence whereof (I have heard him ſay) muſt neceſſarily have been an Introduction of Popery; but it is true, that I have ever heard him profeſs that charitable mind, as not to deſire the Ruine of any ſort of Men, who would live peaceably under the Government, whatever their opinions in Religion might be.

In the next place pray let it be obſerved with what kindneſs the Papiſts have treated this Lord: For ſo beholden is he to the generality of that Perſuaſion, that they do not only for the moſt part ſpeak ill of him, but they have ſlandred him in private with the ſtory of being the Inventor of the Plot with Mr. *Oates*, and the Deſigner of the Duke of *York's* ruine. Nay, even the Murtherer alſo of Sir *Edmundbury Godfrey*, and beyond Seas eſpecially in *Flanders* it is reported of him both by Prieſts and others; That he was the original Inventor of this Plot, and that he is the cauſe of all the Bloud which hath been ſhed upon that occaſion: when at the ſame time he is accuſed of being a Papiſt, and a Concealer of the Plot, in concert with the Duke of *York*; nay, ſo inveterate is the Malice of ſome Men againſt this Lord, that they are reſolved to make contradictions agree, rather than want pretences to deſtroy him.

One inſtance whereof is, that this Lord's deſign to deſtroy the Government was the ſame with *Colemans*, and yet it is known for a Truth, and cannot be denied, nor will ever be forgiven him by the Papiſts, that there had not been one Paper of *Coleman's* ſeized, but for the care of this Lord, who cauſed a Warrant to be drawn for that purpoſe, and got it ſigned by Five of the Privy-Council, after the Council was riſen, who had omitted the direction of ſeizing his Papers, out of the Warrant, for apprehending his Perſon.

This alone (were there nothing elſe to be ſaid for it) would be ſufficient, not only to vindicate this Earl's Innocency from concealing the Plot; but to ſhew his great readineſs, and induſtry to diſcover it.

Having given ſuch an account of this Lord's Integrity, whereby he muſt appear,

pear both a good Proteſtant, a good *Engliſhman*, and a good Miniſter; I expect to have it reaſonably Objected, Why a man ſo qualified to defend himſelf, ſhould firſt withdraw from his Trial, and then upon his appearance quit all theſe Defences (which if true, would render him Meritorious, rather than Criminal,) and betake himſelf to a Pardon? By which indifferent Men as well as his Enemies are induced to ſuſpect his guilt: And laſtly, when he did inſiſt upon the Plea of his Pardon, why he did not rather chuſe to make that his laſt Defence, (in caſe the Plea of his Innocence ſhould have been over-ruled,) than make it his firſt refuge, and thereby debar himſelf of all opportunity of making his Innocence appear, although he ſhould be acquitted by the Pardon? I confeſs theſe to be ſuch real and ſolid Objections, that till they are anſwered, I can blame no Mans hard cenſure of this Lord, who without other prejudice may have grounded his ill Opinion upon theſe foundations.

But the anſwers to them are moſt evident: And firſt, why a Pardon at all to a man ſo qualified for his defence? hath a full anſwer (if nothing elſe could be ſaid for it) which is, becauſe his Majeſty would not ſuffer that his private Papers of State (which ought to be this Lord's Defence) ſhould be expoſed to publick view; and although a man may as to his Innocency be fully qualified for his defence, yet if he cannot be admitted to have thoſe Materials which ſhould prove that Innocency, it will avail him no more than if ſuch Proofs were not in being.

And he had the leſs hopes to obtain them, when it was one of his Requeſts to the Lords upon his firſt appearance at the Bar of that Houſe, that their Lordſhips would pleaſe to intercede for him to the King, for ſuch Papers as might be neceſſary for his Defence. To which the Lords gave his Lordſhip anſwer, that it was not proper for them to move the King for any of his private Papers: ſo as his Lordſhip was wholly without hopes of getting them, or leave to ſhew ſuch as he had himſelf.

In the next place why he abſented himſelf for ſome time, may perhaps not have been the leaſt act of this Lord's Obedience, for (to omit other Reaſons) the date of this Lord's Pardon appears in his Plea, which is the firſt of *March*, and this Lord did not abſent himſelf till the twenty fourth of *March*, ſo that he was as well provided of his Pardon, the firſt day he was abſent, as he was when he delivered himſelf to the cuſtody of the *Black-Rod*, and he was as well Informed then alſo, that there was nothing in his Charge, (were it all confeſt) which by the Laws of *England* could amount to *Treaſon*, ſo that every man by his own Reaſon may ſatisfie himſelf, that it was neither for the want of his Pardon, nor the danger of his Crimes.

And for the laſt objection, why he did not reſerve his Pardon for his laſt Plea? may almoſt anſwer it ſelf, for no body can think any man ſuch a Fool, as not to have done ſo for his own ſake if he could, and I know that nothing did trouble this Lord ſo much as to find he could not, (his Lordſhip hoping never to have uſed it, but in caſe of falſe Witneſſes, or to ſupply that defect of Evidence which was not in his Cuſtody) but it ſeems it is the Law, and all his Counſel were unanimous in it, that the Pardon being already granted, it muſt either be pleaded at firſt, or was void; and notwithſtanding that danger, it was with great difficulty, that both his Council, and his neareſt Relations could perſwade him to rely upon the Pardon, although he knew he could not obtain that Evidence, which was in the King's Cuſtody, nor have leave to produce what was in his own about the Letters: Beſides that his Council told him both by experience, and the Lord *Coke*'s Authority to confirm it, That no man ever refuſed God's Pardon, nor the Kings; and his Majeſty would have had great reaſon to have deſerted

deſerted him, if he had rejected his Majeſties Grace; and yet although Seven days were allowed to this Lord for the putting his Anſwer into the Houſe of Lords, it was not finiſhed an hour before the delivery of it to their Lordſhips, and his Council for ſatisfaction of his Lordſhip, were forced to contrive the Expedient of a ſhort Proteſtation, to be annexed to the Plea as now it ſtands; but thoſe who Printed the Plea and Pardon, would take no notice of the Proteſtation.

Now as to the granting of this Pardon which I alſo hear wondred at: I wiſh any man but to reflect upon this caſe, and ſee whether his Majeſty be not moſt concerned, that none of his Foreign Negotiations ſhould be expoſed to publick View; and yet it would be ſo unjuſt for his Majeſty to ſuffer this Lord, or any Publick Miniſter to be undone for want of producing thoſe things which are neceſſary for his defence, that for this reaſon alone, a Pardon was not only neceſſary, but juſt, and I believe it would be difficult for any man to propoſe another expedient, which could both preſerve the Kings Juſtice to an Innocent Servant (who had only obeyed his Commands,) and that Right of Secrecy which is due from Soveraign Princes to one another in all their Negotiations, which if once broken, makes it Impracticable to treat with one another, and which is held ſo Sacred in all Countries, that there are many examples of the Divulgers of them being puniſht with Death.

Beſides, this Lord had aſſurance that falſe Witneſſes had ſworn againſt him, and finding the readineſs Men have to believe any thing of one againſt whom Malice hath raiſed ſo many ill Reports, and to ſo great a height, as it had done againſt him, he could not hope to be heard but with prejudice: And laſtly (as is commonly the fate of Men in great places) he had contracted the ill-will of divers, either by hindring ſome (as they thought) from imployments they aimed at, or not having procured thoſe for ſome which they might expect, or by being thought the cauſe of ſome mens Remove from their places, or for not having paid ſome, and gratified others, according to their ſeveral expectations: Theſe added to the ſpecious pretences which have been already mentioned againſt this Lord, made it but juſt for his Majeſty to give his Protection to him, whom he knew to be Innocent, and hath as publickly declared to both Houſes of Parliament to be ſo.

I will not preſume to ſay any thing about the validity of the Pardon, for fear of giving offence, more than that many have needed it more than this Lord, and had it as fully granted: And I take it for one of the great happineſſes of our Government, That his Majeſty hath an undoubted free Right of granting it as he pleaſes: And for the argument of Inconvenience, it may as well be urged againſt any Act of Mercy, the King ſhews; every act thereof being as inconvenient to ſome, as it is merciful to others, and therefore hath the King only been left Judge, in all Ages, when, and where he will diſpenſe it, and the People would be in a miſerable condition if it were otherwiſe.

I will conclude with ſome Obſervations very ſingular in this Lords Caſe: becauſe I think the like hath never happned in any other mans,

This Lords Accuſations have been both for ſaving the Kings Money, and ſpending it.

For Promoting the *French* Intereſt; and yet the *French* Embaſſadour is his conſtant Enemy here; and in *France* it was always a Maxim, That he muſt be ruined before they could do any good in *England*.

For being a Papiſt, and yet the Deſigner of the Dukes ruine, and Inventor of the Plot for their deſtruction.

For having the ſame Deſign with *Coleman*, and yet being the ſole cauſe of having his Papers taken.

The

The *imploying the Kings Treaſure to gratifie particular perſons*, is one of his Crimes; and yet he not doing ſo, is one probable cauſe of his Puniſhment.

He is made the Obſtructor of all Publick Proceedings in the Kingdom, becauſe he was not firſt brought to Trial, before the Popiſh Lords; And yet (beſides the difference of their Crimes) he was denied Council, ſo that he could not be Tried when he appeared in order to it; which was never refuſed before to any *Engliſhman*.

He is found fault with for making uſe of the Kings Name, for excuſe of his Actions done by the Kings Command; And yet they are owned by the King Himſelf in Parliament; and his Lordſhip muſt either ſay nothing, or tell a lye to make any other Excuſe.

Laſtly, He hath not only the Kings Pardon, but with a publick Declaration in Parliament, both of his Innocency, and that his Majeſty will grant his Pardon Ten times over, if this be defective, either in matter or form; and it is known that his Crimes do not amount to *Treaſon*, although every Article of his Charge were proved againſt him; And yet this Lord remains ſtill a Priſoner, and under the ſame Reſtraint with the Popiſh Lords in the *Tower*.

Upon the whole Matter, I can make but one Concluſion, which I am ſorry is ſo remarkable in this Nation, That, *Innocence is no Protection to Prince, nor Subject*: We have ſeen a ſad Example of the firſt in our Age, with the ſame Engine of *Popery* uſed for his Deſtruction, who was the greateſt Martyr for Proteſtant Religion; And I think this Lords Caſe an inſtance of as great Severity, with ſo little cauſe for it, as was ever heard of in this Kingdom, or any other; But as it hath pleaſed God to let him ſuffer under ſo many contradicting Circumſtances, ſo I hope he will as miraculouſly deliver him, not only from his Impriſonment; but he will ſo open the eyes of all good People, as to make them ſenſible of thoſe Unjuſt Calumnies they have undeſervedly laid upon a Man ſo Faithful to his King, his Country, and the Proteſtant Religion. And you are a Perſon of ſo great Honour, that I doubt not but you will endeavour to do it in that Station wherein you are ſo deſervedly Truſted by your Country.

FINIS.

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THE KING's Evidence JUSTIFI'D: OR Doctor OATES's VINDICATION of Himself, And the Reality of the PLOT, AGAINST A Traiterous Libel, CALLED The Compendium; Contrived by the JESUITS, To the Dishonour of the King and Kingdom.

Σιγᾶν δ' ὄκ ἐθέλωσι κακοὶ, κακὰ λεχαίζοντες.
Theog. Γνωμ. v. 613.

Quanto perditior quisque est, tanto acrius urget.
Horace. Sat. 1, 2, 15.

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